

1 **IN THE UNITED STATES DISTRICT COURT**
2 **FOR THE WESTERN DISTRICT OF OKLAHOMA**

3 ISABELA SNEED,)
4 Plaintiff,)
5 vs.) Case No. 22-cv-00031-R
6 INDEPENDENT SCHOOL)
7 DISTRICT NO. 16 OF)
8 PAYNE COUNTY,)
9 Defendant.)

10
11 **DEPOSITION OF**
12 **MICHAEL SHANAHAN**

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17
18
19 DATE: JULY 17, 2023

20 REPORTER: MARISA SPALDING, CSR, RPR

21
22
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EXHIBIT

1

A P P E A R A N C E S:

FOR THE PLAINTIFF:

SMOLEN & ROYTMAN, P.L.L.C.
701 South Cincinnati Avenue
Tulsa, Oklahoma 74119

BY: MR. DANIEL E. SMOLEN

MOORE-SHRIER LAW FIRM (By Zoom)
624 South Boston Avenue,
Suite 1070
Tulsa, Oklahoma 74119

BY: MR. DREW MATHEWS

FOR THE DEFENDANT:

ROSENSTEIN, FIST & RINGOLD
525 South Main Street, Suite 700
Tulsa, Oklahoma 74103

BY: MS. SAMANTHIA MARSHALL

ALSO PRESENT: Ellis Newkirk

DEPOSITION OF **MICHAEL SHANAHAN**, produced
as a witness duly sworn by me, taken in the
above-styled and numbered cause on the 17th
day of July, 2023, at 1:18 p.m., before
MARISA SPALDING, Certified Shorthand
Reporter No. 01750 in and for the State of
Oklahoma, at the offices of Rosenstein, Fist
& Ringold, 525 South Main Street, Suite 700,
in accordance with the agreement hereinafter
set forth.

A G R E E M E N T S

It is hereby agreed by and between the parties hereto, through their respective attorneys appearing herein, that the Plaintiff may take the deposition of **MICHAEL SHANAHAN** at this time, that said deposition is being taken by Notice & Agreement and said deposition is being taken with the same force and effect as though all the requirements of the Rules and Statutes had been fully complied with.

It is further agreed by and between the parties hereto, through their attorneys appearing herein, that any and all objections to any question, except as to form contained herein, may be made upon the offering of this deposition in evidence upon the trial of this cause with the same force and effect as though the witness were present in person and testifying from the witness stand.

It is further agreed by and between the parties hereto, through their attorneys appearing herein, that this deposition may be signed before any Notary Public and

1 thereafter returned into Court and used upon
2 the trial of this cause with the same force
3 and effect as though all requirements of the
4 Rules and Statutes with reference to
5 signature and return had been fully complied
6 with.

7 It is further agreed by and between the
8 parties hereto, through their attorneys
9 appearing herein, that if the original of
10 this deposition has not been properly signed
11 before any officer authorized to administer
12 oaths within (30) days after its submission
13 to said witness and thereafter returned to
14 the attorney who asked the first question
15 appearing in the transcript prior to any
16 contested hearing in this cause, that an
17 unsigned, certified copy may be substituted
18 and used for all purposes, the same as
19 though the original had been signed by said
20 witness and properly returned.

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1 employment file, personnel file.

2 Q Okay. Let me ask you to take a look
3 at this because I want to find out just from
4 your own experience where a document like
5 this would -- would be stored.

6 (Plaintiff's Exhibit No. 16
7 marked for identification)

8 Q I'm assuming you have not seen this
9 prior to me showing it to you, but if I'm
10 wrong --

11 A I have not seen this.

12 Q Okay. Take a minute to read that to
13 yourself and let me -- I'm going to ask you
14 some questions about it.

15 A Okay.

16 Q Okay. I want to start off by just
17 noting that the top of the document -- this
18 isn't addressed to any particular person; do
19 you see that?

20 A Yes.

21 Q Okay. And at the top, it says: For
22 Internal SPS Purposes Only. Have you ever
23 seen a document -- or is there a designation
24 -- was there a designation at the time that
25 you were working there in personnel and HR

1 where documentation was maintained for
2 internal SPS purposes only?

3 A No, I'm not aware of it.

4 Q Okay. I'm trying to understand
5 where a document like this would have been
6 maintained, for example, once it had been
7 submitted by, in this case, the principal of
8 the junior high school?

9 A Where did you find it?

10 Q Well, it was produced late in
11 discovery just about a week ago by the
12 defendants. That's why I'm wanting to know
13 where this type of document would be stored,
14 a document that was for SPS purposes only?

15 A I'd have to guess. I have no really
16 --

17 Q And even if it's a guess, that's
18 fine, as long as you just let me know you're
19 guessing?

20 MS. MARSHALL: Object to form.

21 THE WITNESS: Yeah, so if I was
22 guessing -- is guessing okay?

23 Q (By Mr. Smolen) Yeah.

24 A If I was guessing, I would say that
25 would be something the principal may -- you

1 know, I don't what they do with it to tell
2 you the truth.

3 Q Okay. Would you have had an
4 expectation if at the time you were working
5 in human resources that this would have been
6 shared with you?

7 A Would I expect this principal to
8 share this data with me?

9 Q Yes, sir.

10 A As an -- it would be appropriate,
11 yes.

12 Q Okay.

13 A It may not be me exactly. It may be
14 their -- you know, the principals upline, it
15 may be different. It may be them. But
16 eventually it would be -- looks like it
17 ought to be an HR question.

18 Q An HR -- a document that would
19 ultimately find its way to your hands as the
20 head of HR?

21 A Right.

22 Q And I understand you had already
23 retired and you weren't there at the time
24 that this was drafted, okay? Do you know
25 who Crystal Szymanski is?

1 A Now that I see her signature, yes.

2 Q Okay. And who did you understand --
3 or how did you know Crystal?

4 A Well, she became principal, I think,
5 of the junior high school. And I don't -- I
6 don't remember if it was the -- started in
7 '20 or if she had been there a year. I
8 think she started in '20.

9 Q Okay.

10 A Fiscal year '21.

11 Q Okay. She indicates in this letter:
12 In my first year with Stillwater Public
13 Schools and at Stillwater Junior High
14 School, I took that as being the fall
15 semester of '20, the spring semester of '21.
16 Again, that's just how I'm taking it because
17 of the way it's been drafted.

18 A I believe that's -- that's what I
19 think I remember.

20 Q Okay. She says: I have become
21 aware of several patterns of information
22 with regard to Mr. Morejon's interaction
23 with students in prior school years when he
24 was an employee of the district. She says:
25 I have overheard conversations and been told

1 some specific things that lead me to believe
2 the following information was somewhat
3 common knowledge by much of the SJSH staff.
4 Are you following with me?

5 A Uh-huh.

6 Q One -- and she lists four bullet
7 points here. First point bullet was that
8 Mr. Morejon generally had lots of students
9 in his room during the lunch break.

10 Conversation suggest these students were
11 generally female or members of the baseball
12 team coached by Mr. Morejon.

13 The second bullet point indicates:
14 Students often requested to take Mr. Morejon
15 chocolate milk during his lunch and other
16 lunch periods interrupting his 4th hour
17 class. Students would tell supervisory
18 staff that Mr. Morejon loved chocolate milk
19 and that they needed to take him some.

20 Mr. Morejon's room was a popular student
21 hangout before school in the morning and
22 during tutorials. Conversations suggest
23 that student would run to his room in order
24 to get a seat there for the tutorial period.

25 And then lastly, the fourth bullet point

1 was: Staff believed some of Mr. Morejon's
2 student interactions were odd but not odd
3 enough to be crossing any lines.
4 Conversation suggest that some staff members
5 did attempt to tell Mr. Morejon that his
6 interactions were odd and could be
7 misinterpreted.

8 The way this letter is written on its
9 face, Szymanski is implying that it was
10 somewhat common knowledge by much of the
11 staff at Stillwater Junior High School, that
12 these -- this information contained in these
13 four bullet points was common knowledge
14 amongst the entire staff. Did you have any
15 knowledge of any of this information prior
16 to your retirement?

17 MS. MARSHALL: Object to form.

18 THE WITNESS: No.

19 Q (By Mr. Smolen) Okay. Had this
20 information before shared with you, okay,
21 and I understand you're saying it had not
22 been, but had it been shared with you during
23 the time that you were employed there as the
24 human resources director, what would the
25 steps have been that you would have taken,

1 if any, to investigate the allegations that
2 are made in the -- in the exhibit?

3 A Well, I would have followed the
4 requisite policy.

5 Q And I'm not asking you to just
6 verbatim tell me what the policy said word
7 for word. I'm just asking you as a person
8 who assumed that role for six years, you get
9 this letter. Walk me through the steps you
10 would have taken had it come in front of
11 you.

12 MS. MARSHALL: Object to form.

13 THE WITNESS: You know, I didn't
14 have this information presented to me.

15 Q (By Mr. Smolen) I know. And,
16 again, I want --

17 A I've been doing this for a long
18 time. I would follow the policy. I would
19 contact the -- my upline and make sure I was
20 -- that everybody was informed. I would
21 take care of the students.

22 Q Would you have felt it necessary to
23 investigate who the supervisory staff that
24 was allowing the students to leave the lunch
25 room, for example, were?

1 A Well, again, the -- possibly, but
2 this -- this was a -- this was a principal
3 -- you know, this is not a claim of -- of
4 misbehavior, and the principal -- or
5 somebody in that administrative team should
6 -- you'd expect them to address the issue
7 and -- you know, determine if there was a
8 problem or not and go from there.

9 Q I mean, to me, when I'm looking at
10 Bullet Point No. 4, okay, and it says:
11 Staff believed some of Mr. Morejon's student
12 interactions were odd but not odd enough to
13 be crossing any lines, what does that mean
14 to you in someone who's worked in a position
15 like you've worked in for the number of
16 years that you've worked in, I mean, when
17 someone -- when a principal is describing
18 behavior as odd -- interactions as odd, but
19 not odd enough to cross a line?

20 MS. MARSHALL: Object to form.

21 THE WITNESS: You know, you're
22 asking me to exercise the -- my authority as
23 a human resource administrator, which I quit
24 doing, you know, a year before this letter,
25 basically, and I haven't been considering

1 what to do in these situations.

2 So I'm -- I don't know that my -- you
3 know, it's always easy to look back and say,
4 if I was there, I would have done something,
5 something, but that is probably not a very
6 accurate response. I'm going to have to
7 tell you that I would have followed my --
8 the policies and the appropriate directives
9 that the -- you know, the -- the
10 administrator staff gets paid to exercise,
11 execute.

12 Q (By Mr. Smolen) Okay. So where it
13 says: Staff believed some of Mr. Morejon's
14 student interactions were odd but not odd
15 enough to be crossing the line, would you
16 have initially -- let me ask you this.
17 Would you have expected staff who had
18 observed that consistently over the years to
19 have reported that to human resources?

20 A Not necessarily. But if I was the
21 principal, I'd want to be a little more
22 explicit on what that means.

23 Q I mean, that's what I am getting at.

24 A Yes.

25 Q I mean, as the human resources --

1 A Well, not necessarily HR, but
2 certainly the principal ought to know what
3 that sentence contains, what that means.

4 Q Right. I mean, I'm reading this and
5 I want to know, well, what do you mean by
6 odd interactions specifically, right?

7 A (Moving head up and down)

8 Q You'd want to know that it would
9 seem like?

10 A Yeah.

11 Q Okay.

12 A I'd want to know if I need to be.

13 Q Well, I'd also want to know, well,
14 whose line are you talking about and what do
15 you mean it's not quite enough to cross that
16 line and who made that line? What line are
17 you talking about, right?

18 A Correct.

19 Q Okay. Conversation suggest that
20 some staff members did attempt to tell Mr.
21 Morejon that his interactions were odd and
22 could be misinterpreted. I'd want to know
23 what you meant by misinterpreted because
24 it's possible that someone's interpreting
25 them appropriately versus being

1 misrepresented, agreed?

2 MS. MARSHALL: Object to form.

3 THE WITNESS: The -- the bullet
4 point requires -- could require further
5 explanation.

6 Q (By Mr. Smolen) The idea that
7 someone is making a statement that odd
8 interactions could be misinterpreted, the
9 inverse of that is that someone is
10 interpreting those to be properly odd,
11 right, and what is it indicating when they
12 say misinterpreted? Misinterpreted as to
13 what, agreed? To leave some question there
14 about what's going on?

15 A It needs --

16 MS. MARSHALL: Object to form.

17 THE WITNESS: Yeah, it needs
18 some clarity.

19 Q (By Mr. Smolen) Short of being
20 noticed for a deposition in this case, did
21 you have any knowledge about any of the
22 allegations pertaining to Morejon prior to
23 your departure from the Stillwater Public
24 Schools?

25 A What I remember is that during that

* * J U R A T * *

I, **MICHAEL SHANAHAN**, do hereby state
under oath that I have read the above and
foregoing deposition in its entirety and
that with my corrections, if any there be,
the same is a full, true and correct
transcript of my testimony.

✓ With Corrections

____ No Corrections

Michael Shanahan
MICHAEL SHANAHAN

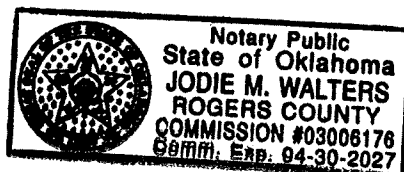
STATE OF OKLAHOMA

COUNTY OF CREEK

SUBSCRIBED AND SWORN TO before me,
the undersigned Notary Public in and for the
State of Oklahoma by said witness,
MICHAEL SHANAHAN, this the 18th day of
August 2023.

Jodie M. Walters
NOTARY PUBLIC
STATE OF Oklahoma

MY COMMISSION EXPIRES: April 30, 2027



* * C O R R E C T I O N S H E E T * *

NAME: MICHAEL SHANAHAN

DATE OF DEPOSITION: JULY 17, 2023

JURAT & CORRECTION DUE: 30 DAYS FROM RECEIPT

RETURN TO: SPALDING REPORTING SERVICE, 1611
S. UTICA AVENUE, BOX 153, TULSA, OKLAHOMA
74104

PAGE LINE CORRECTION & REASON FOR CHANGE

P. 44 L. 10 "He" to "I" Misspoke / Misheard

P. 72 L. 4 "assessable" to "accessible" Typo

April 29, 2021

For Internal SPS Purposes Only:

In my first year with Stillwater Public Schools and at Stillwater Junior High School, I have become aware of several patterns of information with regards to Mr. Morejon's interaction with students in prior school years when he was an employee of the district.

I have overheard conversations and been told some specific things that lead me to believe the following information was somewhat common knowledge by much of the staff at SJHS.

- Mr. Morejon generally had lots of students in his room during his lunch break. Conversation suggests these students were generally female or members of the baseball team coached by Mr. Morejon.
- Students often requested to take Mr. Morejon chocolate milk during his lunch and also other lunch periods (interrupting his 4th hour class). Students would tell supervisory staff that Mr. Morejon loved chocolate milk and that they needed to take him some.
- Mr. Morejon's room was a popular student hangout before school in the morning and during tutorials. Conversation suggests that students would run to his room in order to get a seat there for the tutorial period.
- Staff believed some of Mr. Morejon's student interactions were odd but not odd enough to be crossing any lines. Conversation suggests that some staff members did attempt to tell Mr. Morejon that his interactions were odd and could be misinterpreted.

Additional information:

- Mr. Morejon was voted student favorite teacher in the 19-20 school yearbook. These were delivered and given to students in August 2020 (late due to COVID).



Crystal Szymanski, Principal



SPS 002167